

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiffs,

CR. No. S-97-0054 WBS

v.

ORDER

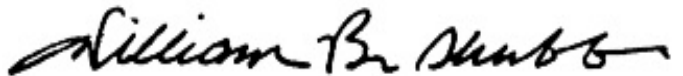
TANH HUU LAM,
Defendant.

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Defendant Tanh Huu Lam's motion to stay this court's order of February 16, 2006 pending his appeal is DENIED. The only issue certified for appeal is whether Lam's Rule 60(b) motion, challenging the court's decision not to reach the merits of his § 2255 motion, should be treated as a second or successive motion under § 2253(c). That has nothing to do with whether the money ought to be turned over to the victims.

IT IS SO ORDERED.

DATED: March 9, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE